

FILED

October 03, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

MANUEL GUADIAN,

Plaintiff,

V.

NATIONAL TAX ADVISORY SERVICES
LLC a California Limited Liability Company and
TAX RELIEF HELPERS, INC
a California Corporation
Matthew Levy

Case No. EP-23-CV-0328-FM

Defendants.

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

With Defendant MATTHEW LEVY neither having answered nor filed a motion to dismiss or for summary judgment, Plaintiff Manuel Guardian, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), hereby dismisses this action against MATTHEW LEVY without prejudice, with each party to bear its own costs, attorneys' fees, and other fees. *See, e.g., Bailey v. Shell Western E&P, Inc.*, 609 F.3d 710, 719 (5th Cir. 2010) (holding the plaintiff has an "absolute right" to a Rule 41(a)(1) dismissal, which right "may not be extinguished or circumscribed by adversary or court") (internal quotation marks and citations omitted).

Dated: October 3, 2023,

Respectfully submitted,

M. W. L.

Manuel Guadian (*Pro Se*)
3805 Tierra Fiji Ln
El Paso, TX 79938
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RECEIVED

October 03, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: Javier Martinez
DEPUTY

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[PROPOSED] ORDER GRANTING DISMISSAL WITHOUT PREJUDICE

Upon consideration of Plaintiff's Motion for Voluntary Dismissal, the Court has determined that the Motion should be, and hereby is, **GRANTED** and this action be **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated: _____, 2023

Hon. Kathleen Cardone
U.S. District Judge

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2023, I caused a true copy of the foregoing, **PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE** to be served via electronic mail on all counsel of record.

Dated: October 3, 2023,

Respectfully submitted,



Manuel Guardian (*Pro Se*)
3805 Tierra Fiji Ln
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